



Atty Dkt No. 8325-0015.20  
Client No. S15-US2

## DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: DATABASES OF REGULATORY SEQUENCES; METHODS OF MAKING AND USING SAME the specification of which

       is attached hereto  
X was filed on October 24, 2001

and assigned Serial No. 10/083,682 and amended on October 14, 2003, February 13, 2004 and May 26, 2004.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98.

However, no patent will be granted on an application in connection with which fraud

on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than six months prior to this application.

I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below and have also identified below any application for patent on this invention having a filing date before that of the application for patent on which priority is claimed:

<u>Application No.</u>	<u>Date of Filing (day/month/year)</u>	<u>Priority Claimed</u>
60/200,590	28 April 2000	Yes <u>X</u> No
60/214,674	27 June 2000	Yes <u>X</u> No
60/228,556	28 August 2000	Yes <u>X</u> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) set forth above which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

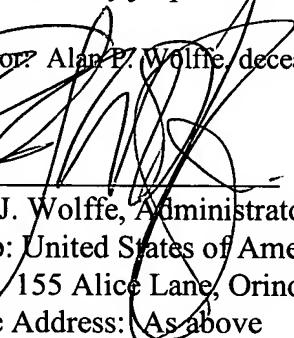
Application Serial No.: 09/844,501

Filing Date: April 27, 2001

Status (patented, pending, abandoned): pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Alan P. Wolffe, deceased

Signature: 

(Elizabeth J. Wolffe, Administrator of the deceased)

Citizenship: United States of America

Residence: 155 Alice Lane, Orinda, California 94563

Post Office Address: As above

Date 2/06/04

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Full Name of Inventor: Fyodor Urnov

Citizenship: Russia

Residence: 135 Lakeshore Court, Richmond, California 94804

Post Office Address: As Above

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Full Name of Inventor: Dmitry Guschin

Citizenship: Russia

Residence: 2635 Lancaster Drive, Apt. 18, Richmond, California 94806

Post Office Address: As Above

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Full Name of Inventor: Trevor Collingwood

Citizenship: New Zealand

Residence: 46 Pizarro Avenue, Novato, California 94949

Post Office Address: As Above

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Full Name of Inventor: Xiao-Yong Li

Citizenship: United States

Residence: 172 Lakeshore Court, Richmond, California 94804

Post Office Address: As Above

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Full Name of Inventor: Brian Johnstone

Citizenship: United States

Residence: 1229 Monte Vista Court, Benicia, California 94510

Post Office Address: As Above